

1 The Honorable Robert S. Lasnik
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10 UNITED STATES DISTRICT COURT FOR THE
11 WESTERN DISTRICT OF WASHINGTON
12 AT SEATTLE
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15 UNITED STATES OF AMERICA,
16 Plaintiff,
17 v.
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19 JALEEL TARIQ ABDUL-JABBAAR,
20 Defendant.
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22 NO. CR14-358RSL
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25 UNITED STATES'
26 SENTENCING MEMORANDUM
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29 **I. Introduction.**

30 The United States of America, by and through Annette L. Hayes, Acting United
31 States Attorney for the Western District of Washington, and Todd Greenberg, Assistant
32 United States Attorney, hereby files this Sentencing Memorandum regarding defendant
33 Jaleel Tariq Abdul-Jabbaar. The government recommends that the Court sentence the
34 defendant to a term of imprisonment of “time served” and a term of supervised release of
35 three years, with all of the conditions of supervised release recommended by the
36 Probation Office.

37 **II. The Facts of the Case.**

38 The facts of this case are summarized in the Presentence Report (¶¶ 6-10) and in
39 the Statement of Facts contained in the Plea Agreement (¶ 7). As detailed therein,
40 between August 14, 2014, and November 28, 2014, Abdul-Jabbaar posted on Facebook
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1 numerous threats to kill and/or injure former Ferguson, Missouri Police Officer Darren
 2 Wilson, his family members, and law enforcement officers more generally. Three of the
 3 specific threatening communications are set forth verbatim in paragraphs 7 and 8 of the
 4 Presentence Report.

5 The threats that Abdul-Jabbaar made were particularly serious for several reasons.
 6 First, the threats were posted by Abdul-Jabbaar over his public Facebook page that is
 7 available to be viewed by all members of the general public. Second, the threats were
 8 particularly direct and violent – even suggesting that Officer Wilson’s wife and kids
 9 should be targeted. Third, Abdul-Jabbaar posted multiple threats over the course of
 10 several months. This was not a situation where he was overcome with emotion at one
 11 particular moment and temporarily lost control. Rather, he made these threats repeatedly
 12 and deliberately over a long period of time. Lastly, Abdul-Jabbaar was attempting to
 13 acquire a firearm during the Fall of 2014, at the same time he was posting threats about
 14 “returning bullets” to Officer Wilson and his family. Specifically, on October 29, 2014,
 15 Abdul-Jabbaar was communicating with another person (K.A.) via Facebook messaging
 16 and specifically asked whether K.A. could assist him in acquiring either a .40 caliber or a
 17 9mm handgun. *See* Complaint ¶ 20 (Doc. 1).

18 **III. The Sentencing Guidelines Calculations.**

19 The government has no objections to the Sentencing Guidelines calculations set
 20 forth in the Presentence Report. We concur that the defendant has a total offense level
 21 of 17, a Criminal History Category of II, and an advisory sentencing range of 27-33
 22 months.

23 The defendant objects to the application of two Guideline enhancements. Both of
 24 his objections border on being frivolous and should be rejected by this Court. First, the
 25 defendant objects to a two-level enhancement for the offense involving more than two
 26 threats. However, this enhancement is clearly supported by the facts before the Court.
 27 For example, the Statement of Facts in the Plea Agreement refers to multiple threats
 28 (“[s]ome of Abdul-Jabbaar’s postings contained threats to injure Officer D.W. and/or his

1 family members") and the Presentence Report quotes three of Abdul-Jabbaar's postings
2 that are on their face threats under the law. PSR ¶¶ 7-8. Second, the defendant objects to
3 the application of a six-level enhancement for the victim being a government official. It
4 is simply hard to fathom why this enhancement would not apply on the facts of this case.

5 **IV. Sentencing Recommendation.**

6 The offense of conviction is a serious one. Our civil society simply cannot
7 tolerate the types of threatening communications made by the defendant in this case
8 against law enforcement officers. The fact that the defendant was prosecuted for this
9 conduct, and convicted of a serious federal felony offense, will send a strong deterrent
10 message to the community about how seriously the government and the courts take this
11 conduct.

12 With respect to the defendant's background and characteristics, he has a
13 significant criminal history, and is likely under-represented at a Criminal History
14 Category II. On the other hand, the defendant appears to suffer from mental health
15 issues and has been struggling to find gainful employment.

16 On balance, the government recommends that the Court impose a custodial
17 sentence of "time served" and a three-year term of supervised release. In the
18 government's view, the specific conditions of supervised release that the Court imposes
19 are more important than the amount of jail time imposed. We join the Probation Office
20 in recommending the imposition of the two proposed conditions of computer monitoring
21 and inspection. These conditions are essential to address the offense of conviction, given
22 that the offense was committed entirely online and through the use of computers and
23 other electronic devices. The Probation Office is experienced in enforcing these
24 conditions in an appropriate manner, and they will not unduly restrict the defendant's

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1 ability to use computers in legitimate ways, such as for his employment and/or to
2 communicate with close family members and friends.

3 DATED this 12th day of March, 2015.

4 Respectfully submitted,
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6 ANNETTE L. HAYES
7 Acting United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on March 12, 2015, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the attorney of record for the defendant.

s/Janet K. Vos
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